



## CHAPTER ONE

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# DEFINING WHAT PUBLIC PARTICIPATION IS (AND IS NOT)

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**P**ublic participation is the process by which public concerns, needs, and values are incorporated into governmental and corporate decision making. It is two-way communication and interaction, with the overall goal of better decisions that are supported by the public.

I have surveyed other definitions of public participation and find that most include at least these elements:

- Public participation applies to administrative decisions—that is, those typically made by agencies (and sometimes by private organizations), not elected officials or judges.
- Public participation is not just providing information to the public. There is interaction between the organization making the decision and people who want to participate.
- There is an organized process for involving the public. It is not something that happens accidentally or coincidentally.
- The participants have some level of impact or influence on the decision being made.

The International Association for Public Participation (IAP2) approaches the definition of public participation by defining core values of public participation, as shown in Exhibit 1.1. But the same critical elements emerge.

### EXHIBIT 1.1. INTERNATIONAL ASSOCIATION FOR PUBLIC PARTICIPATION CORE VALUES FOR THE PRACTICE OF PUBLIC PARTICIPATION.

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- The public should have a say in decisions about actions that affect their lives.
  - Public participation includes the promise that the public's contribution will influence the decision.
  - The public participation process communicates the interests and meets the process needs of all participants.
  - The public participation process seeks out and facilitates the involvement of those potentially affected.
  - The public participation process involves participants in defining how they participate.
  - The public participation process provides participants with the information they need to participate in a meaningful way.
  - The public participation process communicates to participants how their input affected the decision.
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These definitions of public participation also exclude some kinds of participation that are legitimate components of democratic society: the electoral process, lawsuits, and strikes and extralegal protests. These forms of participation are important to citizen activism, but they are not the kind of participation discussed here.

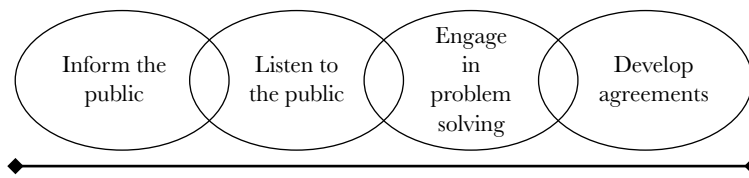
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## What Does *Participation* Mean?

The word *participation* has many different meanings. Some people use it as if it were synonymous with public information programs—getting the word out to the public. It is frequently used to describe public hearings at which the public comments on what an agency proposes to do. It has also been used to imply that an agreement is reached with the public that will be affected by it.

No one can design a public participation program without being clear on which interpretation applies in their particular program.

Participation is best understood as a continuum. Since it is a continuum, there are really an infinite number of points along the scale, but for our purposes there are the four major categories shown in Figure 1.1:

**FIGURE 1.1. CONTINUUM OF PARTICIPATION.**

*Note:* For a more detailed portrayal of such a continuum, see the International Association for Public Participation’s Public Participation Spectrum, downloadable at <http://iap2.org/practitionertools/index.shtml>.

1. Inform the public.
2. Listen to the public.
3. Engage in problem solving.
4. Develop agreements.

### **Public Information and Public Relations**

Public information programs are essentially one-way communication to the public. They are an integral part of the paternalistic decide-announce-defend so often derided in the public participation literature. But although public information by itself does not constitute public participation, it remains an essential component of an effective public participation program. People cannot participate unless they receive complete and objective information on which to base their judgments.

### **Procedural Public Participation**

Many agencies have initiated two mechanisms for improved participation: public hearings, at which the public can comment on proposed actions, and increased access to information, by issuing reports (for example, environmental impact statements) or establishing information repositories, locations where the public has access to all relevant studies and documents. These mechanisms can be referred to as “procedural” public participation or even “checklist” public participation. They serve an important function—in the absence of other kinds of public participation—because they force a certain degree of openness and create a legal record on which decisions can be based (and challenged in court). But they can become simply a procedural hoop through which the agency must jump, without having much impact on the decision and no chance for collaborative problem solving.

## Consultation and Collaborative Problem Solving

Government agencies have had considerably greater success working collaboratively with the public to find a solution that will enjoy broad support. This approach does not always result in agreements. Sometimes all that occurs is that the positions are clarified through interaction and everybody understands the reasoning behind the decision. Sometimes sufficient agreement is built that the agency is able to proceed with sufficient legitimacy that there is tacit acceptance even by those who do not support the action.

Hans and Annamarie Bleiker (1994) have used the term *informed consent* to describe this level of participation. They write, “We define ‘informed consent’ as: the grudging willingness of opponents to (grudgingly) ‘go along’ with a course of action that they—actually—are opposed to” (p. I-7). In my experience, there is often a small base of opposition that continues to fight on, but there is a sufficient level of consensus so that political opposition is marginalized and overcome easily.

I have described this collaborative approach elsewhere as consensus seeking (Creighton, 1992). That is, the agency seeks as high a level of consensus as possible, but it doesn’t always get a consensus and it reserves the right to make a final decision if consensus is not reached. But there is a degree of power sharing in that the agency engages in collaborative problem solving in an effort to get as high a level of acceptance as possible.

When the process is over, the public has usually influenced the decision even if there is no final agreement and the agency retains the ultimate authority to act. The public’s influence may have helped to determine how the problem was defined, the range of alternatives that were considered, the evaluation criteria that were applied, and the process by which the decision was made, even if there is not agreement on the final result.

## Getting Agreement and Consensus Building

One problem with the use of the term *consensus seeking* is that it is readily confused with the term *consensus building*, which increasingly is used for processes that have the goal of reaching full agreement. As Lawrence Susskind (1999, p. 6), one of the leading advocates of the consensus-building approach, states: “Consensus building is a process of seeking unanimous agreement. It involves a good-faith effort to meet the interests of all stakeholders. Consensus has been reached when everyone agrees they can live with whatever is proposed after every effort had been made to meet the interests of all stakeholding parties.” Then he hedges this somewhat: “Most dispute resolution professionals believe that groups or assemblies

should seek unanimity, but settle for overwhelming agreement that goes as far as possible toward meeting the interests of all stakeholders” (p. 7).

The clear advantage of the “agreement” approach is that if there is genuine agreement, the agency can proceed with reasonable confidence that implementation is ensured. This assumes, of course, that the agency itself concurs with the decision being made and has the legal and budgetary authority to implement the consensus decision. It also assumes that those who signed on to the agreement in fact represent the constituencies they claim to represent and can deliver the support of these constituencies for the agreement. If these preconditions are not met, the agreement-seeking approach can create expectations that, if unfulfilled, may sour the relationship with citizens even more.

### **What Level of Participation Is Right?**

An experienced practitioner of public participation will answer the question, “What level of participation is right?” with an authoritative, “It depends.” From the perspective of a practitioner, the question that must be answered is very practical: What kind of participation is required for the decision to have the legitimacy it needs so that once the agency reaches a decision, it is able to implement that decision? How much participation is required for a decision to actually count?

I have seen circumstances where it has been appropriate to be at each of the four points along the continuum. If an agency is, by virtue of legislation or executive decision, precommitted to a single course of action, it is far better that this agency simply inform the public (or at most go through the mechanics of a public hearing) than employ a bogus process of participation that has no chance of having an impact on the outcome. This doesn’t mean that the public will see the process as legitimate (although this depends on the extent to which the public sees the action as addressing a significant problem that requires immediate action). But even if the process of making this one decision is not perceived as legitimate, at least it will be seen as honest. A bogus participatory process destroys the credibility of all future attempts to provide genuine participation on other issues.

At the other end of the continuum, the conditions under which an agency decides to enter into direct negotiations with stakeholders to achieve an agreement are very restrictive. But they do occur, and techniques to get agreement, such as negotiations, should be employed when those conditions prevail.

If a decision has the potential to be controversial, the decision is more likely to be perceived as legitimate if there has been a genuine effort to engage in problem solving rather than a pro forma public hearing. But even that choice can be constrained by schedule, budget, and political realities.

The question is not, “What can we get away with?” but, “What does it take for the decision to count?” You may be able to get away with a lesser level of participation during the decision-making process, only to discover that you are unable to implement your decision due to public opposition and the lack of legitimacy for your decision-making process.

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## Why Do Agencies Retain Decision-Making Authority?

In public participation, the agency retains the ultimate decision-making authority, although it may choose to share that decision making in return for a higher level of public acceptance. For some people, this makes public participation seem something less than true democracy, a failure to grant power to the people. But there are compelling reasons that agencies retain ultimate decision-making power even if they find it in their enlightened self-interest to share some portion of that power:

- Agencies are constrained by mandates and authorities that limit what they can do. As frustrating as these mandates and authorities can be, there must be an orderly process for addressing them, or soon agencies would do whatever they wanted, and without any accountability to the public. Although the line of accountability back to elected officials is often long and tenuous, it must always be there. Otherwise, any claim by the bureaucracy to democratic legitimacy is false.
- In many cases, agencies are implementing laws. If the public brings sufficient pressure to bear on elected officials, these laws can be changed. But otherwise, the agency must operate within the constraints imposed by the law.
- Agencies often have contractual obligations they must meet. If they abrogate contracts and other legal obligations whenever public sentiment wants them to, they will soon be unable to enter into any binding contract, and all existing actions will be stalled by litigation.
- The public that achieves consensus may do so because it isn't paying the costs. A public participation program that gets a consensus that everybody else should pay for the special benefit of a few has to be balanced by some intervening authority that can require attention to the needs of everybody who is paying for the project.
- Controversies over the actions of government agencies are most frequently the result of genuine disagreements within the public about what should be done.
- In the final analysis, those who choose to participate in a public participation program are self-selecting. Their only job is to represent their self-interest, not discern the public interest. Because they do not, and cannot, claim to be “the

public” in the same way that an election speaks for “the public,” their contribution can be influential but cannot dictate the final decision.

Just as participation is an essential ingredient of democracy, so is accountability. Public participation programs may influence agency decisions, but they cannot be substituted for them.

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## References

- Bleiker, H., and Bleiker, A. *Citizen Participation Handbook for Public Officials and Other Professionals Serving the Public*. (8th ed.) Monterey, Calif.: Institute for Participatory Management and Planning, 1994.
- Creighton, J. L. *Involving Citizens in Community Decision Making*. Washington, D.C.: Program for Community Problem Solving, National League of Cities, 1992.
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